

Message Text

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ORIGIN NODS-00

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DRAFTED BY EA/K:RGRICH:FLW
APPROVED BY EA - MR. GLEYSTEEEN
S/S-O - LFLEISCHER

-----044125 081813Z /72

O 081803Z MAY 78
FM SECSTATE WASHDC
TO AMEMBASSY SEOUL IMMEDIATE

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NODIS

E.O. 11652: N/A

TAGS: PGOV, KS, US

SUBJECT: CONGRESSIONAL INVESTIGATIVE ACCESS TO FORMER
ROK AMBASSADOR KIM DONG-JO

1. FOLLOWING FOR YOUR INFORMATION IS TEXT OF LETTER
RECEIVED FROM SPECIAL COUNSEL JAWORSKI MAY 4. GLEYSTEEEN
MENTIONED LETTER DURING CONVERSATION WITH AMB. KIM MAY 8
(SEPTEL). BUT SINCE JAWORSKI HAS INDICATED SOME FLEXIBILTYY
ABOUT MAY 10 DEADLINE GLEYSTEEEN TALKED IN TERMS OF "THIS
WEEK OR EVEN NEXT FEW DAYS".
2. BEGIN TEXT

THE HONORABLE CYRUS R. VANCE
SECRETARY OF STATE

DEAR MR. SECRETARY:
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FOR MORE THAN EIGHT MONTHS THE COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT AND THE OFFICE OF ITS SPECIAL COUNSEL
HAVE ACTIVELY SOUGHT THE VOLUNTARY COOPERATION OF THE
REPUBLIC OF KOREA IN MAKING AVAILABLE THE TESTIMONY OF
FORMER AMBASSADOR KIM DONG JO. AS YOU KNOW, FORMER
AMBASSADOR KIM IS A CENTRAL WITNESS TO THE EVENTS SURROUND-

ING THE INVESTIGATION. OUR EFFORTS HAVE BEEN SUPPORTED

FULLY BY THE HOUSE OF REPRESENTATIVES, INCLUDING THE
LEADERSHIP OF THE MAJORITY AND MINORITY PARTIES.

WHEN I MET WITH YOU ON SEPTEMBER 7, 1977, I POINTED OUT
THAT THE INVESTIGATION COULD NOT POSSIBLY BE COMPLETE IN
THE ABSENCE OF SUCH COOPERATION. SINCE THAT TIME, MY
DEPUTY AND I HAVE PARTICIPATED IN MEETINGS AND TELEPHONE
DISCUSSIONS WITH DEPARTMENT PERSONNEL TOO NUMEROUS TO
COUNT ATTEMPTING TO FIND A SOLUTION TO THE KIM DONG JO
ISSUE. WE HAVE DISCUSSED THE FORMER AMBASSADOR WITH
CURRENT AMBASSADOR KIM YONG SHIK ON FOUR OCCASIONS. THE
SPEAKER OF THE HOUSE HAS LENT THE FULL WEIGHT OF HIS OFFICE
TO CONVINCE THE REPUBLIC OF KOREA TO COOPERATE WITH US.
INDEED THE HOUSE ITSELF PASSED A UNANIMOUS RESOLUTION MORE
THAN SIX MONTHS AGO CALLING UPON THAT NATION TO COOPERATE
WITH US IN EVERY RESPECT.

NOR HAVE WE BEEN RIGID IN OUR DEMANDS. WE HAVE RECOGNIZED
AND YIELDED TO THE DESIRE OF SOUTH KOREA TO PRESERVE
ITS RIGHTFUL APPEARANCE OF SOVEREIGN INTEGRITY. WE
HAVE INDICATED FLEXIBILITY IN ALL ASPECTS OF OUR PROPOSALS,
TAKING CARE ONLY TO ASSURE THAT WE WOULD HAVE CANDID AND
FORTHRIGHT TESTIMONY FROM FORMER AMBASSADOR KIM.

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FURTHERMORE, WE HAVE COMPLIED IN EVERY RESPECT WITH THE
DESIRE OF SOUTH KOREA THAT WE ENGAGE IN NO ACTIVITY
THAT WOULD INCREASE PRESSURE ON THAT NATION TO COOPERATE.
NO PUBLIC STATEMENT ON THE MATTER HAS BEEN MADE BY ME OR
MY STAFF FOR MANY WEEKS. WE HAVE RESISTED OPPORTUNITIES
TO PARTICIPATE IN LEGISLATIVE ACTIVITIES ADVERSE TO THE
INTERESTS OF SOUTH KOREA. WE HAVE BEEN SILENT BECAUSE
WE WERE ADMONISHED THAT SILENCE WAS NECESSARY TO PRESERVE
AN ATMOSPHERE IN WHICH GOOD-FAITH DISCUSSIONS COULD BE
CONDUCTED AND BECAUSE WE BELIEVED THAT SOUTH KOREA WOULD
RESPOND IN GOOD FAITH TO US.

IN SUMMARY, WE HAVE EXPLORED EVERY AVENUE WITH DILIGENCE
AND PATIENCE. THE TIME HAS COME FOR THE REPUBLIC OF
KOREA TO COOPERATE MEANINGFULLY OR TO EXPLAIN TO CONGRESS
WHY IT REFUSES TO DO SO.

AT OUR MEETING WITH AMBASSADOR KIM YONG SHIK ON APRIL 25,
1978, I PROPOSED A METHOD OF QUESTIONING KIM DONG JO
OUTSIDE THE UNITED STATES THAT WOULD REMOVE ANY APPEARANCE
OF INFRINGEMENT ON THE SOVEREIGNTY OF SOUTH KOREA. ADDI-
TIONALLY, I REITERATED MY REPRESENTATION THAT I WOULD NOT

REQUEST FURTHER COOPERATION FROM SOUTH KOREA SHOULD FORMER
AMBASSADOR KIM COME FORWARD IN A CANDID, FORTHRIGHT
FASHION. I BELIEVE THAT THESE CONCESSIONS AND DEPARTURES

FROM NORMAL PRACTICE ARE JUSTIFIED UNDER THE CIRCUMSTANCES,
BUT THEY MUST ALSO BE SEEN AS COMPELLING EVIDENCE OF OUR
GOOD FAITH. I HAVE NOT EVEN HAD THE COURTESY OF A REPLY.

MR. SECRETARY, THE COMMITTEE AND THE ENTIRE HOUSE OF
REPRESENTATIVES HAVE WAITED FAR TOO LONG FOR A DECISION
BY THE REPUBLIC OF KOREA. IN THE EVENT THAT A MEANINGFUL
AND POSITIVE RESPONSE TO MY OFFER OF APRIL 25 IS NOT
RECEIVED ON OR BEFORE MAY 9, 1978, THE MEMBERS OF THE
COMMITTEE AND ALL MEMBERS OF CONGRESS WILL BE INFORMED
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IN DETAIL ON MAY 10 OF THE REFUSAL OF THE REPUBLIC OF
KOREA TO COOPERATE WITH US. IF AM FORCED TO MAKE SUCH A
REPORT, CONTINUED STRONG RELATIONS BETWEEN THE UNITED
STATES AND THE REPUBLIC OF KOREA MAY WELL BE IMPAIRED.
THIS IS IN NO SENSE AN EFFORT TO COERCE THE OFFICIALS
OF SOUTH KOREA. IT IS MERELY A MATTER OF FACING REALITY.

WITH APPRECIATION OF THE COURTESIES YOU HAVE EXTENDED,
I AM

SINCERELY

LEON JAWORSKI
SPECIAL COUNSEL

END TEXT
VANCE

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